

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Rose Z. Wilde
Serial No.: 09/924,991
Filed: August 8, 2001
For: Crackle Finish

December 6, 2002
Group Art Unit 1774
Examiner: Tamra L. Dicus

RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. 121

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office action of November 7, 2002, applicant provisionally elects Group I (claims 1-4) with traverse. The restriction requirement is submitted to be improper as to the separation of Group III (claims 8-10) from Group I (claims 1-4).


Claims 8-10 are directed to "a kit for forming a crackle finish on a surface." This wording is identical to the preamble of claim 1 - namely, a "crackle finish for a surface." The first element of the subject kit in claim 8 is "a latex paint or stain for forming a base coat" which tracks the first element of the finish in claim 1 - namely, "a base coat of a latex paint or stain disposed on the surface." The second element of the kit in claim 8 is "a crackle medium for application over the base coat" which is the same as the second element of the finish in claim 1 which is "a crackle medium disposed on the base coat." The last element of the kit in claim 8 is

"a latex wood filler for application over the crackle medium" which parallels the third element of claim 1 -namely, a "coat of latex wood filler disposed on the crackle medium."

It is applicant's view that any prior art relevant to applicant's kit should be in the same class or cross-referenced to the same class as patents relevant to the finish. It is therefor submitted that the examiner in charge of this application can give complete, adequate examination to claims 1-4 and 8-10 in less total examiner time than would be consumed by dividing the kit from the crackle finish for which the kit is specially adapted to produce as the particulars of the inventions claimed in Groups I and III are substantially identical.

Applicant therefore traverses the restriction requirement as to the separation of claims 8-10 from claims 1-4 and respectfully requests reconsideration of the restriction requirement.

Respectfully submitted,



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